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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

GARY S. BLASS, M.D.

Holder of License No. 22064
For the Practice of Allopathic Medicine in the
State of Arizona

Docket No. 05A-22064-MDX

Case No. MD-04-1201A

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER FOR LICENSE
REVOCATION.**

On June 8, 2005 this matter came before the Arizona Medical Board ("Board") for oral argument and consideration of the Administrative Law Judge (ALJ) Michael L. Barth's proposed Findings of Fact and Conclusions of Law and Recommended Order. Gary S. Blass, M.D. ("Respondent") was notified of the Board's intent to consider this matter on the aforementioned date at the Board's public meeting. Respondent did not appear and was not represented by counsel. The State was represented by Assistant Attorney General Stephen A. Wolf. Christine Cassetta, of the Solicitor General's Section of the Attorney General's Office, was present and available to provide independent legal advice to the Board.

The Board, having considered the ALJ's report and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. The above-captioned matter came on for hearing to determine whether Respondent engaged in unprofessional conduct in violation of A.R.S. § 32-1401(27)(q), (r) and (nn).

2. The Arizona State Medical Board ("Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

3. Respondent is the holder of License No. 22064 for the practice of allopathic medicine in the State of Arizona.

4. Between 1975 and the issuance of his Arizona license in 1994, Respondent had undergone treatment for substance abuse on several occasions.

1 5. After graduation from medical school in Pennsylvania in March 1989, Respondent
2 enrolled in the Pennsylvania Physician's Health Program for impaired physicians with a self
3 disclosed history of alcoholism and drug abuse.

4 6. In 1990, Respondent was issued a training license for the practice of medicine by the
5 Commonwealth of Pennsylvania, but as a result of relapse was involuntarily terminated from his
6 training program at Episcopal Hospital, thereby voiding his training license.

7 7. After inpatient treatment of his relapse for 30 days, Respondent, via recommendation of
8 the Pennsylvania Physician's Health Program, underwent out- patient continuing care treatment
9 from November 13, 1990 through January 26, 1993 and voluntarily monitoring by the New
10 Jersey Physician's Health Program for abuse of alcohol and other mood altering drugs from
11 March 1991 to January 1994.

12 8. After completing the 3 year monitoring program with the Pennsylvania Physician's
13 Health Program and his Family Practice Residency in 1993 Respondent was issued an
14 unrestricted medical license by the Commonwealth of Pennsylvania.

15 9. Respondent applied for a medical license in Arizona and in January, 1994 entered into a
16 Consent Agreement with the Board that resulted in the issuance of a medical license to
17 Respondent subject to an Order of Probation.

18 10. Per the Order of Probation, Respondent was required, among other things, to participate
19 in a Board approved and sponsored aftercare treatment program and a 12-step recovery program,
20 to refrain from use of any drugs or medications in absence of a prescription by his Board
21 approved sole treating physician, to submit to witnessed random fluid collection the results to be
22 provided to the Board and to maintain a log of medications prescribed to him by said sole
23 treating physician.

1 11. On April 24, 1996 the Order of Probation was terminated and in May, 1996 Respondent
2 entered into a Rehabilitation Stipulation with the Board subject to requirements similar to those
3 in the Order of Probation.

4 12. The Board's Rehabilitation Stipulation and Order terminated on January 31, 1997.

5 13. Respondent presented to Thunderbird Treatment Center for treatment for drug
6 dependency in July, 2001.

7 14. At the time of his presentation at Thunderbird Treatment Center, Respondent had
8 relapsed into the habitual abuse of hydrocodone for one and one-half years.

9 15. Respondent received methodone treatment, periodically, at the Thunderbird Treatment
10 Center from July, 2001 to 2004.

11 16. Respondent also presented to Dr. Lisa Sparks, M.D., for treatment of suicidal ideation
12 and depression in March, 2001.

13 17. On his presentation to Dr. Sparks' office, Respondent reported that in February 2001 he
14 had been severely depressed and had been asked to leave work.

15 18. Dr. Sparks' diagnoses of Respondent included major depression and opiate
16 dependency.

17 19. In March, 2001, Respondent underwent intensive psychotherapeutic intervention.

18 20. On or about September 27, 2004 the Board was notified by the Vice President of Health
19 Choice Arizona, Inc. ("Health Choice") that Respondent had sent numerous e-mails as well as
20 made telephone calls to Health Choice of a threatening, vulgar and profane nature.

21 21. The Board was further notified that Health Choice had reported Respondent's
22 aforementioned conduct to the Tempe Police Department, but decided against pursuing a
23 restraining order against Dr. Blass.

24 22. On or about October 19, 2004 Dr. Jacqueline Pynn, M.D., as required by statute,
25 notified the Board that Respondent, having been determined to be a danger to self and others as

1 well as acutely psychiatrically impaired, had been involuntarily admitted to Maricopa Medical
2 Center on September 24, 2004.

3 23. At or about the time of his admission to Maricopa Medical Center: Respondent had
4 been delusional, reporting that he came from another planet as well as being one of God's chosen
5 ones; had threatened to put LSD in Lake Pleasant and to blow up the insurance company
6 (presumably Health Choice as he contended that it owed him monies); had requested his son to
7 obtain drugs for him; reported that he suffered from depression for which he had been self
8 prescribing Effexor; reported that he had recently tapered off Methodone (used to treat heroine
9 addiction), although he denied having a relapse; and had relapsed on drugs and alcohol.

10 24. On admission to Maricopa Medical Center, Respondent was diagnosed with psychiatric
11 disorder not otherwise specified; and rule out major depressive disorder, with psychosis and
12 bipolar, manic, with psychosis.

13 25. Respondent's history and physical findings on admission to Maricopa Medical Center
14 were consistent with poly substance abuse, including opiate dependence with no signs of opiate
15 withdrawal.

16 26. On discharge from inpatient treatment on October 22, 2004 Respondent was diagnosed
17 with bipolar disorder, not otherwise specified, and released to the care of Dr. Sweeney.

18 27. On discharge from Maricopa Medical Center, Respondent's insight was only partial
19 and his judgment was still impaired, although mildly.

20 28. As part of the Board's investigation relative to the Health Choice incident and
21 Respondent's involuntary admission to Maricopa Medical Center, the Board's investigative staff
22 along with its contracted addiction medicine specialist, Michel Sucher, M.D., interviewed
23 Respondent on January 31, 2005.

24 29. In response to questioning during said interview regarding the Health Choice situation
25 and the court ordered admission to Maricopa Medical Center for psychiatric evaluation and

1 treatment, Respondent was for the most part uncooperative and terminated the interview before
2 Board Staff had completed its questioning of him.

3 30. In response to questioning during the interview about his October 2004 court ordered
4 treatment, Respondent did provide the following pertinent information: he had been taking
5 Effexor for depression but at or about the time of his involuntary admission, he had stopped
6 taking Effexor because it was no longer affordable; as a result of his discontinued use of Effexor,
7 he decompensated and it was while in this state of decompensation, the events that led to his
8 involuntary admission had occurred; and he had been stabilized as a result of the court ordered
9 treatment, was continuing outpatient treatment and his psychiatric condition appeared to be
10 controlled.

11 31. During the interview with Board Staff, Respondent refused to answer any questions
12 regarding specific issues raised by his court ordered treatment.

13 32. Respondent also denied having received treatment for substance abuse relapse
14 including methodone treatment since the termination of the Stipulated Rehabilitation Order in
15 1997.

16 33. Although Respondent had briefly stated in the interview that since his discharge from
17 Maricopa Medical Center he had been practicing medicine, as a result of his premature
18 termination of the interview, Board Staff was denied an opportunity to question Respondent
19 regarding the nature of said practice.

20 34. On February 10, 2005 the Board, on the recommendation of Dr. Sucher, issued a
21 Confidential Interim Order for psychiatric, psychological, and psychometric evaluation and
22 random biological fluid tests.

23 35. Respondent's denial during Board Staff's interview of a substance abuse relapse and
24 substance abuse treatment including methodone treatment since 1997 was, as reflected in the
25 medical records, untruthful.

1 36. In the opinion of David Greenburg, M.D., a Board contracted addictive medicine
2 specialist who formally supervised the Board's Monitoring Aftercare Program, Respondent's
3 failure to report the drug relapse constituted unprofessional conduct.

4 37. In the opinion of Dr. Greenburg, the February 10, 2005 Confidential Interim Order was
5 warranted as the Health Choice incident and the Maricopa Medical Center records, Value
6 Options records (2004 out patient psychiatric treatment records) and the records of Dr. Sparks
7 raised serious concerns that Respondent had experienced a substance abuse relapse and as a
8 result of his psychiatric and/or psychological condition, was not able to practice medicine safely.

9 38. The Confidential Interim Order along with paper work describing the "color of the day
10 program" (a drug screen program in which participants are required to phone a specified number
11 on a daily basis and if the color assigned to them has been called, then report within a specified
12 period of time for a drug urine screen) in which Respondent was required to participate via the
13 Order was hand delivered to Respondent on February 11, 2005.

14 39. Dr. Sucher contacted Respondent on February 12, 2005 and informed him to present for
15 a urine drug screen that day.

16 40. During the random urine drug screen on February 12, 2005 Respondent was observed
17 by Concentra Medical Center staff attempting to conceal two vials containing a yellow fluid.

18 41. The urine specimen presented by Respondent was unusual in that it was cold to the
19 touch and failed to register a temperature reading.

20 42. Respondent refused to sign a form identifying the specimen as unusual and refused to
21 present another urine sample under direct observation.

22 43. When his assigned color was called February 14, 2005 as part of the "color of the day"
23 program, Respondent failed to present for the urine drug screen as required.

24 44. Upon discovering that Respondent had failed to present on February 14, 2005 for his
25 required urine drug screen, Dr. Sucher contacted Respondent and was informed Respondent that

1 he was unaware of the "color of the day" program, not having read the paper work hand
2 delivered by the Board on February 11, 2005. 45. On February 16, 2005 Dr. Sucher left a
3 message for Respondent to present for an observed urine drug screen and hair drug test within 4
4 hours, but Respondent failed to comply and later that day informed Dr. Sucher he had no
5 intention of ever presenting for either a urine drug screen or hair drug test.

6 46. In the opinion of Dr. Greenburg, the circumstances surrounding Respondent's
7 presentation on February 12, 2005 for the mandatory urine drug screen were consistent with one
8 attempting to substitute the urine specimen of a clean person for their own in order to avoid
9 detection of their substance abuse.

10 47. On February 17, 2005 the Board issued an Order summarily suspending Respondent's
11 medical license and amending the previous Confidential Interim Order's requirements to include
12 inpatient evaluation for chemical dependency at a Board approved facility within 14 days of
13 Respondent's receipt of the Order as well as medical, neurological and neuro-psychiatric
14 evaluation.

15 48. In the opinion of Dr. Greenburg, medical, neurological and neuro-psychiatric
16 evaluation was called for in order to determine if there was a physical cause for Respondent's
17 abnormal behavior so that Respondent could be appropriately treated.

18 49. It was also the opinion of Dr. Greenburg that summary suspension of Respondent's
19 medical license was proper and necessary inasmuch Respondent's refusal to be monitored by the
20 Board, given the seriousness of his psychological/psychiatric illness coupled with his probable
21 chemical dependency, made him an imminent risk to the safety of the public.

22 50. Respondent had no intention of ever complying with any orders issued by the Board
23 requiring him to undergo psychological, medical or chemical dependency evaluation.
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1 51. Having failed to date to finish continuing medical education in specified subjects
2 ordered by the Board to be completed by April 10, 2003 Respondent violated the April 10, 2002
3 Order in Board Case No. MD-01-0018.

4 52. In defending the charges made against him, Respondent did not controvert the
5 foregoing evidence presented by the Board; instead, Respondent asserted that his non-
6 compliance with the Board's interim Orders was justified for the reason that medical information
7 obtained from such evaluations by the Board on him and other physicians in the past had been
8 illegally disclosed by the Board to the public on its internet website and he was concerned that
9 the Board would again make such illegal disclosures of his confidential medical information.
10 Respondent failed to support his assertion with any specific example of an alleged illegal
11 disclosure of confidential medical information with citation to appropriate legal authority
12 prohibiting such disclosure.

13 53. The Health Choice incident and the Maricopa Medical Center records, Value Options
14 records (2004 out patient psychiatric treatment records) and the records of Dr. Sparks
15 demonstrated that Respondent may have been suffering from conditions
16 (psychological/psychiatric disorders and chemical dependency) prior to his admission to
17 Maricopa Medical Center and thereafter rendering him unable to safely practice medicine

18 54. Respondent violated formal orders (April 10, 2002 Order in Board Case No. MD-01-
19 0018, February 10, 2005 Confidential Interim Order and February 17, 2005 Interim Order of
20 Summary Suspension) issued by the Board.

21 55. More intensive evaluation in the form of inpatient evaluation for chemical dependency
22 was a reasonable response to Respondent's denial of substance abuse and attempt to avoid
23 detection of substance abuse during the February 12, 2005 drug urine screen.
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56. Because there was a possibility that the cause of Respondent's condition was physical in nature, medical, neurological and neuropsychological examinations to rule out a physical cause were reasonable.

57. As a result of his refusal to undergo Board mandated evaluation and monitoring of both psychological/psychiatric condition and his probable chemical dependency, Respondent posed an imminent risk to the safety of the public.

58. Respondent engaged in conduct that is or might be harmful or dangerous to the health of a patient or the public (chemical dependency, failure to report same to the Board and request deactivation of his medical license, untruthfulness during his interview with the Board, refusal to undergo Board mandated evaluations and monitoring and violation of formal Board orders).

59. Given his refusal to undergo current and future Board mandated evaluation and monitoring, if any, as well as his disdain for the regulatory authority of the Board, Respondent is not a candidate for rehabilitation.

60. At the formal hearing the Board requested that Respondent's license be revoked without stay.		
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CONCLUSIONS OF LAW

1.	The Arizona Medical Board possesses jurisdiction over the subject mater and over Respondent. A.R.S. § 32-1401, <i>et seq.</i>	
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2. The Board is authorized to order a physician to undergo any combination of mental, physical examination including biological fluid testing where there is evidence that appears to show that said physician is or may be unable to safely practice medicine.

3. Having been presented with evidence demonstrating that Respondent was suffering from conditions possibly rendering him unable to safely engage in the practice of medicine (serious psychological/psychiatric illness and possible chemical dependency), the Board's

1 issuance of the Confidential Interim Order and subsequent amendment of the Confidential
2 Interim Order were proper.

3 4. If on investigation of a physician, the Board finds that public health, safety or welfare
4 imperatively requires emergency action, said physician's medical license may be summarily
5 suspended pending proceedings for revocation or other action. A.R.S. § 32-1451(D).

6 5. Because Respondent posed an imminent threat to the public health, safety and welfare
7 as a result of his refusal to undergo previously mandated evaluation and monitoring for serious
8 psychological/psychiatric illness and possible chemical dependency, the Board's issuance of
9 Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License
10 was proper.

11 6. The Board is authorized to discipline licensees for unprofessional conduct. A.R.S. §
12 32-1451.

13 7. Having engaged in conduct which is or might be harmful or dangerous to the health of
14 the patient or the public, Respondent engaged in unprofessional conduct in violation of A.R.S. §
15 32-1401(27)(q).

16 8. Having violated formal Board orders, Respondent engaged in unprofessional conduct in
17 violation of A.R.S. § 32-1401(27)(r).

18 9. Having refused to submit to a body fluid examination and hair drug test per order of the
19 Board, Respondent engaged in unprofessional conduct in violation of A.R.S. § 32-1401(27)(nn).

20 10. When determining the appropriate disciplinary action against a licensee "the board shall
21 consider all previous non-disciplinary and disciplinary actions against a licensee." A.R.S. § 32-
22 1451(U).

23 11. Pursuant to the provisions of A.R.S. § 32-1451(M) Respondent should be assessed the
24 costs of formal hearing in this matter.
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1 **ORDER**

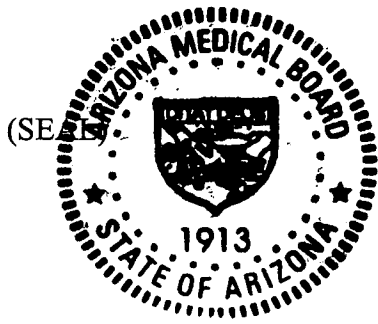
2 In view of the foregoing, Respondent's License No. 22064 for the practice of allopathic
3 medicine in the State of Arizona is revoked on the effective date of this Order.

4 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

5 Respondent is hereby notified that he has the right to petition for a rehearing or review by
6 filing a petition with the Board's Executive Director within thirty (30) days after service of this
7 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
8 rehearing. A.C.C. R4-16-102. Service of this order is effective five (5) days after date of
9 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
10 (35) days after it is mailed to Respondent.

11 Respondent is further notified that the filing of a motion for rehearing is required to preserve
12 any rights of appeal to the Superior Court.

13 Dated this 14th day of June, 2005.



ARIZONA MEDICAL BOARD

19 By: Amanda Diehl
20 Amanda J. Diehl, MPA, CPM
21 Deputy Executive Director

22 Original of the foregoing filed this
23 14th day of June, 2005, with:

24 Arizona Medical Board
25 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Copy of the foregoing filed this 14th
day of June, 2005 with:

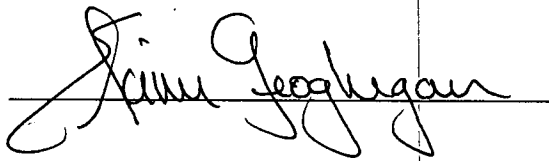
1 Cliff J. Vanell, Director
2 Office of Administrative Hearings
3 1400 W. Washington, Ste. 101
Phoenix, Arizona 85007

4 Executed copy of the foregoing mailed
5 by Certified Mail this 14th day of
June, 2005 to:

6 Gary S. Blass, M.D.
7 (Address of record)

8 Executed copy of the foregoing mailed
9 this 14th day of June, 2005 to:

10 Stephen A. Wolf
11 Assistant Attorney General
12 Office of the Attorney General
CIV/LES
1275 W. Washington
Phoenix, Arizona 85007

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